

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
AUG - 8 2007
CLERK, U.S. DISTRICT COURT
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AS TO DEFENDANTS
METROPLEX MASONRY, INC.,
MASONRY
LABOR
CONTRACTORS
INC. AND
WESLEY
& MANNY
ONLY

"MASONRY
LABOR
CONTRACTORS
INC. AND
WESLEY
& MANLY
ONLY

1. Defendants shall not, contrary to sections 7 and 15(a)(2) of the Act, 29 U.S.C.

§§ 207 and 215(a)(2) employ any employee in commerce or in the production of goods

for commerce, or in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, for workweeks longer than forty (40) hours, unless the employee receives compensation for his or her employment in excess of forty (40) hours at a rate not less than one and one-half times the regular rate at which he or she is employed.

2. Defendants shall not, contrary to Sections 11(c) and 15(a)(5) of the Act, 29 U.S.C. §§ 211(c) and 215(a)(5), fail to make, keep and preserve adequate and accurate records of the persons employed by them, and the wages, hours and other conditions and practices of employment maintained by them as prescribed by regulations issued by the Administrator of the Employment Standards Administration, United States Department of Labor (29 C.F.R. Part 516).

3. Defendants have paid to plaintiff overtime compensation in the total amount of seventy thousand dollars (\$70,000.00), which the parties agree, and the court finds, is due under the Act to the individuals named in the attached Exhibit A for the period November 1, 2002 through March 31, 2007.

If is further ORDERED, that plaintiff shall promptly proceed to make distribution of such unpaid compensation, less any applicable income tax and social security deductions, to the individuals listed in Exhibit A or to their estate if necessary. In the event that any of said money cannot be distributed within the period of three (3) years hereof because of inability to locate the proper person, or because of their refusal to accept such sums, the plaintiff shall deposit such funds with the U.S. Treasury.

It is further ORDERED that the right of any and all of defendants' employees not

specifically named in Exhibit A attached hereto to bring an action under Section 16(b) of the Fair Labor Standards Act 29 U.S.C. §216(b), shall be restored and that neither the filing of this action nor the entry of this judgment shall be a bar to such action and that the statute of limitations in such action shall be deemed tolled during the pendency of this action. The parties agree that the instant action is deemed to cover the period from November 1, 2002 through March 31, 2007.

The parties therefore agree that the filing of this action and provisions of this judgment shall not be interpreted so as to prejudice or preclude the legal rights of the Secretary of Labor or of any employees of defendants in any action filed by the Secretary of Labor or by such employee under the Act covering violations alleged to have occurred after March 31, 2007.

It is further ORDERED that each party agrees to bear his or her own attorneys' fees, costs and other expenses incurred by such party in connection with any stage of this proceeding, including, but not limited to, attorneys' fees which may be available under the Equal Access to Justice Act, as amended.

Dated this 8 day of August, 2007.


UNITED STATES DISTRICT JUDGE

Approved as to form and substance:

JONATHAN SNARE
Acting Solicitor of Labor

WILLIAM E. EVERHEART
Regional Solicitor

MARGARET TERRY CRANFORD
Counsel for Wage and Hour

s/ Brian A. Duncan
BRIAN A. DUNCAN
Attorney
Oklahoma Bar No. 17914

MATTHEW P. SALLUSTI
Attorney
Texas Bar No. 24013447

U. S. Department of Labor
Office of the Solicitor
525 Griffin Street, Suite 501
Dallas, Texas 75202
Telephone: (972) 850-3100
Facsimile: (972) 850-3101

Approved as to form and substance:

s/ Wesley E. Manry
By: Wesley E. Manry
On behalf of METROPLEX MASONRY, INC.
Defendant

s/ Wesley E. Manry
By: Wesley E. Manry
On behalf of MASONRY LABOR CONTRACTORS, INC.
Defendant

s/ Wesley E. Manry
WESLEY E. MANRY
Defendant

s/ John D. Smart
JOHN D. SMART
Attorney for Defendants
Texas State Bar No. 18523310

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1201 Elm Street
Dallas, Texas 75270
Telephone: (214)745-5400
Facsimile: (214)745-5390

EXHIBIT A

1. Adame, Javier
2. Alcaraz, Erik
3. Almanza, Esquiv Alfredo
4. Almanza, Joel
5. Almanza, Victor
6. Alvares, Jose N
7. Alvarez, Alfonso
8. Alvarez, Federico
9. Alvarez, Juan E
10. Alvarez, Patrisio
11. Alvarez, Perfecto
12. Alvarez, Terezo De Jesus
13. Arriaga, Mario
14. Arroyo, Tomas A
15. Avila, Luis
16. Banuelos, Tobias
17. Bar, Noeto
18. Briceno, Jesus
19. Buendia, Genaro
20. Bunedia, Homar
21. Buendia, Juan
22. Campos, Luis D
23. Cantu, Cesar
24. Carrillo, Rodolfo
25. Castaneda, Carlos
26. Castaneda, Juan P
27. Castaneda, Ricardo
28. Castaneda, Roberto
29. Castaneda, Victor
30. Cerda, Juan de la
31. Cerdo, Pedro
32. Chaverria, Armando
33. Chavea, Ismael
34. Corral, Jorge
35. Corral, Juan
36. Cruz, Ricardo
37. Delgado, Geronimo Gavino
38. Delgado, Gilberto
39. Dias, Luis

40. Dominquez, Luis
41. Duran, Jose A
42. Duran, Pedro
43. Escobar, Juan P
44. Espinoza, Ernesto
45. Espinoza, Francisco
46. Espinoza, Juan Manuel
47. Estrada, Evaristo
48. Estrado, Alejandro
49. Fuentes, Martin
50. Galindo, Jesus
51. Galvan, Narciso
52. Garcia, Ernesto
53. Garcia, Jose A
54. Garcia, Jose Luis
55. Garcia, Tomas
56. Garza, Oscar
57. Gil, Gustava
58. Gomez, Francisco
59. Gomez, Gerardo
60. Gomez, Jorge
61. Gonzales, Carlos A
62. Gonzalez, Juan C
63. Guerre, Arturo Lopez M
64. Hermosillo, Guillermo
65. Hernandez, Fujitivo
66. Hernandez, Domitilo
67. Hernandez, Felix
68. Hernandez, Juan
69. Herrera, Alex Antonio
70. Herrera, Rafael
71. Herrera, Tomas
72. Ibarra, Ernesto Longoria
73. Ibarra, Ines
74. Ibarra, Jose
75. Lemus, Carlos A
76. Lemus, Herber
77. Lemus, Julio
78. Lemus, Oscar A
79. Linares, Juan
80. Lira, Luis
81. Longoria, Francisco
82. Lopez, Geovany
83. Lopez, Javier

84. Lopez, Jorge
85. Lopez, Luiz
86. Lopez, Marcos
87. Luiz, Jaime R
88. Maldonado, Juan A
89. Marez, Jesus
90. Mario, Oscar
91. Marquez, Christian Rodriquez
92. Martin, Fransisco Javier
93. Martinez, Carlos
94. Martinez, Jairo
95. Martinez, Jamie Sanchez
96. Martinez, Jesus
97. Martinez, Juan
98. Martinez, Moises
99. Martinez, Saul Ramos
100. Martinez, Vincente Ramos
101. Mata, Antonio
102. Medina, Roberto
103. Melendez, Jose
104. Mendez, Audon
105. Mendez, Romero
106. Montoya, Baltazar
107. Montoya, Daniel
108. Montoya, Javier
109. Montoya, Jose
110. Montoya, Juan M
111. Montoya, Juan
112. Montoya, Rafael
113. Montoya, Rito
114. Mora, Benjamin
115. Morales, Juan Carlos
116. Morales, Telesforo
117. Morena, Luis
118. Moreno, Abiel
119. Moreno, Jonathan C
120. Moreno, Tranquilino
121. Nava, Jose Antonio
122. Ortiz, Alex Antonio
123. Ortiz, Guztavo
124. Parras, Abiel Angle
125. Perales, Luis Jose
126. Perez, Jose F
127. Perez, Juan P

128.Perez, Monfredo Lopez
129.Perez, Sergio M
130.Pineda, Victor Monroz
131.Ponce, Drik L
132.Portillo, Juan A
133.Puente, Arturo
134.Puente, Jesus
135.Puente, Tomas
136.Ramirez, Rafael
137.Ramirez, Ricardo
138.Ramos, Javier
139.Ramos, Martin
140.Ramos, Saul
141.Ramos, Vincente M
142.Renerria, Alfredo
143.Reyes, Leonel De Los
144.Robles, Angel
145.Robles, Gonzalo T
146.Rodriquez, Aron
147.Rodriquez, Martin
148.Rodriquez, Pablo
149.Rodriquez, Sebastian Perez
150.Rojas, Barron Pedro
151.Rojas, Isreal
152.Rojas, Jesus
153.Romero, Juan
154.Romero, Luiz
155.Romero, Oscar
156.Rosales, Juan A
157.Rosas, Ricardo
158.Ruiz, Bernardino
159.Ruiz, Jonathan
160.Ruiz, Juan C
161.Ruiz, Pablo R
162.Ruiz, Valente C
163.Sachez, Salvador
164.Salas, Daniel
165.Salazar, Ricardo
166.Salvatierra, Horacio
167.Sanchez, Gerardo
168.Sanchez, Santiago
169.Sandoval, Jeovania
170.Santiago, Ramos
171.Segura, Felipe

- 172. Segura, Miguel
- 173. Soto, Federico
- 174. Teran, Arturo
- 175. Teran, Juan Antonio
- 176. Tinajero, Joaquin
- 177. Torres, Jose I
- 178. Torres, Pancho
- 179. Torres, Raul
- 180. Torres, Vincente
- 181. Tovar, Noe
- 182. Valadez, Manuel
- 183. Valadez, Roberto Macias
- 184. Vasquez, Carlos E
- 185. Vasquez, Entalislado
- 186. Vasquez, Rodrigo
- 187. Villarreal, Juan
- 188. Villegas, Manuel
- 189. Villegas, Miguel